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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,085	03/18/2004	Checraallah Kachouh	740116-511	4165
22204	7590	10/20/2005	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,085

Applicant(s)

KACHOUH, CHECRALLAH

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 11, 14-21 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 12, 13, 22-25 and 29-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: attachments 1 and 2.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- Species #1: Figures 1-4.
- Species #2: Figure 5.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-7,10,11,14,15,18,19,26,27, and 28 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. David Safran on October 12, 2005 a provisional election was made without traverse to prosecute the invention of Species #1, claims 1-32. Applicant in replying to this Office action must make affirmation of this election.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the preliminary locked position of the latch, as claimed in claim 3, the motorized opening drive and the motor, as claimed in claims 4,5, and 27-32, and the auxiliary locking drive, as claimed in claims 20 and 21, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered

and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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5. The abstract of the disclosure is objected to because of the phrase "the invention" in line 1. Correction is required. See MPEP § 608.01(b).

Specification

6. The specification is objected to because of the following informalities:

- Page 8 Line 27, change "swiveling axis 8" to -swiveling axis 7-.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 20 and 21 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 20 and 21 recites the limitation, "the motor vehicle lock further comprising an auxiliary locking drive, wherein the auxiliary locking drive is coupled to the transmission lever and wherein the latch can be moved into the main locked position by the auxiliary locking drive via the transmission lever".

The current specification (Page 10 Line 27 to Page 11 Line 1) and the current drawings fails to properly disclose and illustrate how this "auxiliary locking drive" will move the latch to the main locked position.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-7,10,11,14-19, and 26-28 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 3,386,761 to Johnstone et al (Johnstone '761).

Regarding claim 1, Johnstone '761 discloses a motor vehicle lock comprising a latch (28) that is pivotable around a swiveling axis (29) and moveable into an open position and at least into a main locked position.

A ratchet arrangement is movable into at least one holding position and into a release position. The ratchet arrangement keeps the latch in the main locked position when the ratchet arrangement is in the at least one holding position.

The ratchet arrangement includes ratchet kinematics (34) moved by resetting the latch (by means of spring 44) out of the main locked position in the direction of the open position, and an adjustable blocking element (46) that blocks movement of the ratchet kinematics when the ratchet arrangement is in the at least one holding position, thereby blocking the resetting of the latch.

As to claim 2, Johnstone '761 illustrates that the ratchet kinematics (34) further comprises a step-down gearing, i.e., the amount of reset force which acts on the ratchet kinematics (34) by the latch (28) is greater than the resulting force acting on the blocking element (46) from the ratchet kinematics (see attachment #1). The step-

down gearing reduces a blocking force applied by the blocking element to block the latch (when the blocking element is moved, the force that the latch 28 exerts on the ratchet kinematics 34 reduces to zero the blocking force).

As to claim 3, Johnstone '761 illustrates that when the latch is in the main locked position (Figure 1), a degree of reduction of the ratchet kinematics is higher than when the latch is in a preliminary locked position (because the holding or blocking forces at the main locked position are high than when the latch is in a position right before the main locked position illustrated in Figure 1).

As to claims 4,5,27 and 28, Johnstone '761 discloses that the motor vehicle lock has a motorized opening drive and wherein the release of the latch can be triggered by an electric motor (58).

As to claims 6 and 10, Johnstone '761 discloses that the ratchet kinematics comprises a transmission lever that is pivotable around a second swiveling axis (36), wherein by swiveling the latch out of the main locked position in the direction of the open position, the transmission lever can be moved and, when the ratchet arrangement is in the at least one holding position, the blocking element blocks the transmission lever.

As to claims 7 and 11, Johnstone '761 illustrates that the transmission lever is couple to the latch (at least when the latch is in the main locked position, Figure 1).

As to claims 14 and 15, Johnstone '761 illustrates that the transmission lever is pretensioned and wherein the blocking force of the blocking element opposes the pretensioning of the transmission lever (see attachment #1).

As to claims 16 and 17, Johnstone '761 discloses that the transmission lever further comprises at least one main catch (50), wherein the blocking element can be moved to engage the transmission lever by blocking at least via the main catch.

As to claims 18 and 19, Johnstone '761 discloses that the blocking element (46) is pivotable around a third swiveling axis (48) and when the ratchet arrangement is in the holding position, the blocking element engages and blocks the transmission lever.

As to claim 26, Johnstone '761 discloses that the lock comprises an inlet slot (26) and wherein the blocking element, for protection against theft, is located in the motor vehicle lock such that the blocking element cannot be reached from of the inlet slot.

11. Claims 1-3,6,7,10,11,14-19, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,298,223 to Raffelsiefer et al (Raffelsiefer).

Regarding claim 1, Raffelsiefer discloses a motor vehicle lock comprising a latch (4') that is pivotable around a swiveling axis (17') and moveable into an open position and at least into a main locked position.

A ratchet arrangement is movable into at least one holding position and into a release position. The ratchet arrangement keeps the latch in the main locked position when the ratchet arrangement is in the at least one holding position.

The ratchet arrangement includes ratchet kinematics (5') moved by resetting the latch (by means of spring 18) out of the main locked position in the direction of the open position, and an adjustable blocking element (8' and 13') that blocks movement

of the ratchet kinematics when the ratchet arrangement is in the at least one holding position, thereby blocking the resetting of the latch.

As to claim 2, Raffelsiefer illustrates that the ratchet kinematics (5') further comprises a step-down gearing, i.e., the amount of reset force that acts on the ratchet kinematics (5') by the latch (4') is greater than the resulting force acting on the blocking element (8' and 13') from the ratchet kinematics (see attachment #2). The step-down gearing reduces a blocking force applied by the blocking element to block the latch (when the blocking element is moved, the force that the latch 4' exerts on the ratchet kinematics 5' reduces to zero the blocking force).

As to claim 3, Raffelsiefer illustrates that when the latch is in the main locked position (Figure 3), a degree of reduction of the ratchet kinematics is higher than when the latch is in a preliminary locked position (because the holding or blocking forces at the main locked position are high than when the latch is in a position right before the main locked position illustrated in Figure 3).

As to claims 6 and 10, Raffelsiefer discloses that the ratchet kinematics comprises a transmission lever that is pivotable around a second swiveling axis (6), wherein by swiveling the latch out of the main locked position in the direction of the open position, the transmission lever can be moved and, when the ratchet arrangement is in the at least one holding position, the blocking element blocks the transmission lever.

As to claims 7 and 11, Raffelsiefer illustrates that the transmission lever is couple to the latch (Figures 3-5).

As to claims 14 and 15, Raffelsiefer illustrates that the transmission lever is pretensioned and wherein the blocking force of the blocking element opposes the pretensioning of the transmission lever (see attachment #2).

As to claims 16 and 17, Raffelsiefer discloses that the transmission lever further comprises at least one main catch (14'), wherein the blocking element can be moved to engage the transmission lever by blocking at least via the main catch.

As to claims 18 and 19, Raffelsiefer discloses that the blocking element (at 13') is pivotable around a third swiveling axis and when the ratchet arrangement is in the holding position, the blocking element engages and blocks the transmission lever.

As to claim 26, Raffelsiefer discloses that the lock comprises an inlet slot (15') and wherein the blocking element, for protection against theft, is located in the motor vehicle lock such that the blocking element cannot be reached from of the inlet slot.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 4,5,27 and 28 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,298,223 to Raffelsiefer et al (Raffelsiefer) as applied to claims 1 and 11 above, and further in view of US Pat No 3,386,761 to Johnstone et al (Johnstone '761).

Raffelsiefer fails to disclose that the motor vehicle lock has a motorized opening drive and wherein the release of the latch can be triggered by an electric motor. Raffelsiefer discloses a different opening drive using a switch.

Johnstone '761 teaches that it is well known in the art of latches to have a motor vehicle lock that has a motorized opening drive and wherein the release of the latch can be triggered by an electric motor (58).

It would have been obvious to one having ordinary skill in the art of latches at the time the invention was made to provide the opening drive described by Raffelsiefer with an electric motor, as taught by Johnstone '761, in order to provide a simple way to drive the latch to a release position.

Allowable Subject Matter

14. **Claims 8 and 12 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 9,13,22-25 and 29-32 would also be allowed because the claims depend from claims 8 and 12.

Reasons For Allowable Subject Matter

15. The following is an examiner's statement of reasons for allowance:

Claims 8 and 12 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that an intermediate lever couples the transmission lever with the latch.

Johnstone '761 and Raffelsiefer fail to disclose that an intermediate lever couples the transmission lever with the latch.

Cited prior art, Bernard (US 4,783,102), Amano (US 6,557,910), Spurr (US 6,773,042), and Noel (US 4,203,621) disclose similar devices that the one described by the applicant in claims 1-7, 10, 11, 14-19, and 26-28. However, the references fail also to disclose that an intermediate lever couples the transmission lever with the latch.

Kleefeldt (US 4,518,180) discloses a motor vehicle lock comprising a latch (2), a transmission lever (9) and a blocking element (3). Kleefeldt discloses that an intermediate lever (14 and 15) couples the transmission lever (9) with the latch (when 10 engages 13). However, Kleefeldt fails to disclose that the blocking element will block the movement of the transmission lever of the ratchet kinematics. Kleefeldt discloses that blocking element (3) will block the movement of the latch (2).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.
Carlos Lugo
AU 3676

October 13, 2005


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER

